

Remarks

Claims 1-17 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully resubmits that the claimed invention is allowable over the cited references.

The Office Action dated July 13, 2006 indicated that: claims 16 and 17 remain in condition for allowance; claims 7 and 8 stand rejected under Section 112(2); claims 1-2, 5-8 and 11 stand rejected under 35 U.S.C. § 102(e) over Schuster *et al.* (U.S. Patent No. 6,674,745); claims 12-15 stand rejected under 35 U.S.C. § 102(e) over Vargo *et al.* (U.S. Patent No. 6,477,164); and claims 3-4 and 9-10 stand rejected under 35 U.S.C. § 103(a) over Schuster in view of Fedyk *et al.* (U.S. Patent No. 6,873,616).

Applicant appreciates the continued allowance of claims 16-17.

Applicant respectfully traverses the Section 112(2) rejection of claim 7-8. Applicant submits that antecedent basis for the limitation “packet-communicating telephony endpoint devices” can be found in claim 7 at lines 1-2 (*e.g.*, “a plurality of packet-communicating telephony endpoint devices”). Application assumes that the limitation “the remote PSTN communications device” cited by the Office Action was referring to the remote PSTN communication device, antecedent basis for which can be found in claim 7 at line 12 (*e.g.*, “a remote PSTN communication device”). Application notes that claim 8 depends from claim 7, as such, antecedent bases for the limitation cited by the Office Action in connecting with the rejection of claim 8 is found in claim 7 as indicated above. Accordingly, the Section 112(2) rejections are improper and Applicant requests that they be withdrawn.

Applicant respectfully traverses the Section 102(e) rejections of claims 1-2, 5-8 and 11 because the cited portions of the Schuster reference fail to correspond to all of the claimed limitations. Notwithstanding, in order to facilitate prosecution, claim 1 has been amended to include the claim 2 limitations directed to an audio processing circuit adapted to receive uncoded analog signals. Accordingly, with respect to independent claim 1, the Office Action fails to cite to any portion of the Schuster reference that corresponds to claimed limitations directed to the originating endpoint device includes an audio processing circuit adapted to receive uncoded analog signals. The Office Action’s assertion that ITGs 18 and 20 (see, *e.g.*, Fig. 1) of the Schuster reference teach the

limitations of the claimed originating endpoint device mistakenly describes the ITGs taught by Schuster as receiving uncoded analog signals. Instead, the Schuster reference teaches that ITGs 18 and 20 receive digital data signals as supported by the Office Action's citations (*i.e.*, col. 4, lines 41-47 and col. 8, lines 58-65). For example, the Schuster reference teaches "then the originating and terminating gateways 18, 20 may begin transmitting and receiving packet streams representing the interactive digitized voice signals of the caller and called parties." See, *e.g.*, col. 8, lines 58-61. Thus, the Schuster reference teaches that ITGs 18 and 20 receive digital signals as further supported by the Office Action's statement that "the PSTNs 22,24 convert the transmitted and received digital signals back to audio for each responsive party to understand." See, *e.g.*, page 4, line 22 to page 5, line 1. Thus, the PSTNs are taught to communicate with the ITGs 18 and 20 using digital signals, and the ITGs are taught to communicate between themselves using digital signals. Applicant submits that the Office Action has, therefore, not shown how the Schuster reference teaches that the originating endpoint device can receive uncoded analog signals as in the claimed invention. Accordingly, the Section 102(e) rejections of claim 1 and claims 2, 5 and 6 (which depend from claim 1) are improper and Applicant requests that they be withdrawn.

Moreover, the cited portions of the Schuster reference also fail to correspond to claim 2 limitations directed to the originating endpoint device communicating with the broadband network independent of any PSTNs. As discussed above, the ITGs 18 and 20 taught by Schuster are not capable of receiving uncoded analog signals; as such, the ITGs are unable to communicate with the IP network 19 independent of PSTNs 22 and 24 as in the claimed invention. See, *e.g.*, col. 8, lines 58-65.

Regarding independent claim 7 (and as relevant to the claims that depend therefrom), the Office Action fails to cite any portion of the Schuster reference that corresponds to claimed limitations directed to a first and a second endpoint device each having an audio arrangement capable of producing and receiving sound for communications. The Schuster reference teaches that ITGs 18 and 20 transmit and receive digitized audio signal as supported by the Office Action's citations (*i.e.*, col. 5, lines 12-26 and lines 36-57), and further supported by the Office Action's statement that

“The components of the ITG transmit and receive digitized audio signals.” See, *e.g.*, page 6, line 6. The ITGs as taught by Schuster do not have an audio arrangement capable of producing and receiving sound for communications as in the claimed invention. Therefore, the Section 102(e) rejections of claim 7 and claims 8 and 11 (which depend from claim 7) are improper and Applicant requests that they be withdrawn.

Applicant traverses the Section 102(e) rejections of claims 12-15 because the cited portions of the Vargo reference fail to correspond to all of the claimed limitations. Regarding independent claim 12 (and as relevant to the claims that depend therefrom), the Office Action fails to cite any portion of the Vargo reference that corresponds to claimed limitations directed to communicating audible signals with a user at the originating endpoint device. The Vargo reference teaches that the originating gateway 114 digitally encodes the voice data received from the originating PSTN 106 and then divides the encoded voice data into a plurality of voice packets which are transmitted to the originating transmux 124 (see, *e.g.*, col. 4, lines 6-24). Thus, the Vargo reference teaches that the transmux 124 receives digital voice data packets as further supported by the Office Action’s statement that “PSTN voice packets are digitized at gateway 114 and sent to transmux 124 to the destination end using the IP network.” See, *e.g.*, page 9, lines 15-17. As such, the Vargo reference does not teach that audible signals can be communicated with a user at the originating endpoint device as in the claimed invention. Accordingly, the Section 102(e) rejections of claim 12 and claims 13-15 (which depend from claim 12) are improper and Applicant requests that they be withdrawn.

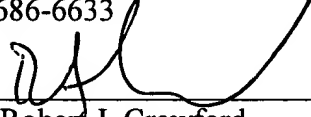
Applicant traverses the Section 103(a) rejections of claims 3-4 and 9-10 over Schuster in view of Fedyk because the cited portions of the Schuster references do not correspond to the claimed limitations as discussed above in connection with the Section 102(e) rejections of claims 1 and 7. In this regard, the rejections of claims 3-4 (which depend from claim 1) and claims 9-10 (which depend from claim 7) are improper because the corresponding rejections rely upon the same (improper) rationale. Therefore, Applicant requests that the Section 103(a) rejections be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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